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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,485	11/24/2003	Dave Porter	032234.00009	5976
7590 10/20/2005			EXAMINER	
McNair Law Firm, P.A.			GALL, LLOYD A	
P.O. Box 10827			ART UNIT	
Greenville, SC 29603-0827			PAPER NUMBER	
			3676	
DATE MAILED: 10/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/721,485

Applicant(s)

PORTER, DAVE

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 2, 14-23, 31-34 and 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-13, 24-30, 35-38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>10/06/2005</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/24/2003</u> . | 6) <input type="checkbox"/> Other: _____. |

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DETAILED ACTION

Applicant's election of Group I, the species of Figs. 1-4 and Group V, the species of Fig. 5A in the reply filed on July 28, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 2, 14-23, 31-34 and 39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 28, 2005.

Applicant should note that in response to the election of July 28, 2005, it is noted that claims 2, 14-23, 31-34 and 39 do not read on the elected species.

The disclosure is objected to because of the following informalities: On page 1, the status of the parent application should be updated. On page 16, line 7, "4,412,388" should read --4,142,388--. The last line of page 33 of the Abstract is incomplete.

Appropriate correction is required.

Claims 2, 7, 11, 13, 24, 25, 27, 28, 30 and 35-38 are objected to because of the following informalities: in claim 2, line 2, "of said first of said first" is grammatically incorrect. In claim 7, line 2, a comma should follow "doors". In claim 11, line 3, "activated" should read --active--. In claim 13, lines 3-4, there is no antecedent basis for "said retracted position". In claim 24, line 3, "door" should be replaced with --doors--. In claim 24, line 5, there is no antecedent basis for "said reciprocating rods". In claim 25,

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line 12, a comma should follow "actuator". On page 29, line 1, "disengaged" should read --unlocked--. In claim 27, lines 1-2 and 3-4, it is not clear how the master lock control 112 controls the master lock actuator 108, and how its activated condition allows the actuator to be operated (see page 16, lines 20-24 of the specification). See also claim 30 which claims that the control 112 is for controlling the solenoid arm.

Accordingly, it is not clear how, or if, the control 112 controls the actuator 108 or the solenoid arm. Claim 28 should depend from claim 27 to provide antecedent basis for "said tamper-resistant master lock control". Claim 35, line 3 is objected to, since a claim may have only one period. In claim 35, line 7, it is not clear what the difference is between the "latch assembly" in line 7, and the "latch elements" in line 6, nor is it clear what constitutes the "latch assemblies" in line 7. Claim 35 is not clear whether latches are being claimed on both doors, or not. In claim 35, lines 11 and 15, there is no antecedent basis for "said latching elements". In claim 35, line 11, there is no antecedent basis for "said...withdrawn positions". In claim 35, line 13, a comma should follow "member". In claim 35, line 14, there is no antecedent basis for "said inserted position". In claim 35, line 16, "port" should read --part--. In claim 35, line 20, "reciprocating" should read --reciprocal--, and "port" should read --part--. In claim 35, line 23, --assembly-- should follow the second occurrence of "master lock". In claim 35, line 25, there is no antecedent basis for "said first and second latching assemblies". In claim 36, line 2, it is not clear what is meant by "operative operable". In claim 36, line 3, "reciprocating" should read --reciprocal--, and --between-- should follow "part". In claim

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37, line 2 and claim 38, line 1, "reciprocating" should read --reciprocal--. Appropriate correction is required.

Applicant should note that claim 35 is regarded as claiming the combination of a pair of doors with the security system.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 35 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Hagstrom (141).

Hagstrom teaches a security system and a pair of pivotal doors, including longitudinal latches 58, (rods) 73 adjacent inner edges of the doors, a horizontal latch element 18, a security bracket (at 19 in fig. 3 to receive horizontal latch 18), a first latch assembly 16, a second latch assembly in fig. 5 on the second door, receiving members (86, fig. 14), a latch actuator 32, 33 in fig. 15 defining a rotating drive to receive an operator handle in its keyed hole (the operator is not claimed as being removable, and is adapted to be received at least once in the actuator 32, 33), a master lock assembly 94, 95, 96, 87 including a reciprocal locking part 87 in fig. 15 to engage a second locking part 27 and to lock the actuator, and a master lock actuator defined by the key received in key slot 98.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hagstrom in view of Hardesty (572).

Hardesty teaches that it is well known to utilize a reciprocating locking part (the free end of bolt 25 which engages a slot 28 in the actuator 14) with a solenoid 40 as well as with a master lock actuator (the key inserted into master lock 41). It would have been obvious to use a solenoid or the master lock key actuator (in key slot 98) of Hagstrom, in view of the teaching of Hardesty, the motivation being to allow the locking part to be either mechanically or electrically controlled, for convenience purposes, as is well known in the lock art.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Hagstrom in view of Zipf et al (053).

As seen in fig. 1, Zipf teaches that it is well known to provide a key pad (tamper-resistant master lock control) 114 to control (allow or prevent operation of) a key 110 of a master lock assembly. It would have been obvious to provide a key pad to control operation of the master lock assembly (at 98) of Hagstrom, in view of the teaching of Zipf, the motivation being to optimize its security, by requiring the correct key pad combination, as well as the appropriate key to insert into the lock.

Claims 1, 3, 5, 6, 10, 11 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagstrom in view James (483) and Zipf et al.

Hagstrom and Zipf have been discussed above. James teaches a latch assembly mounted on the interior of the door as seen in fig. 4. It would have been obvious to mount the latch assemblies of Hagstrom on the interior of the doors, the motivation being to protect the latch assemblies from tampering attempts at the outside of the doors. It would have been obvious to provide a key pad to control operation of the master lock assembly (at 98) of Hagstrom, in view of the teaching of Zipf, the motivation being to optimize its security, by requiring the correct key pad combination, as well as the appropriate key to insert into the lock.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagstrom in view of James and Zipf et al as applied to claim 3 above, and further in view of Crosby et al.

Crosby teaches an adjustable connector 69, 73, 74 in fig. 1a for a latch 71. It would have been obvious to provide an adjustable connector for the latch/latches of Hagstrom, in view of the teaching of Crosby, the motivation being to allow the latches to extend into the receiving members to a degree of one's choice.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hagstrom in view of James and Zipf et al as applied to claim 1 above, and further in view of an additional teaching of James.

As seen in fig. 4, James also teaches a notch 39 to receive the locking part 42. It would have been obvious to modify the locking part 87 of Hagstrom such that it engages a notch in actuator portion 25, in view of the teaching of James, since either type of engagement would function just as well in locking the actuator of Hagstrom.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Russell (690) or Byrnes (050), and further in view of an additional teaching of Byrnes.

James teaches a door having a latch assembly on the interior side of the door as seen in fig. 4, including a lockable door 30, vertical 119 and horizontal latches 81, receiving members 21 for the latches, a latch actuator including a pinion 41, 66, plural racks 70, 71 on latch portions 71, an outside operator 36, an outside lock tamper-resistant lock control 38 for a master lock assembly 40, 42 including a first part 42 engaging a second part notch 39, the latches are defined by a rod attached to a latch actuator 79, 71. The key may be regarded as a master lock actuator, and includes an activated condition defined by its insertion into the key lock 38. Russell teaches that a removable operator (F) extending through a door is well known. Byrnes teaches that a removable operator (b3) extending through a door is well known as is a cover (D) therefor. It would have been obvious to utilize a removable operator with the latch actuator of James, in view of the teaching of Russell or Byrnes, the motivation being to optimize the security of James by allowing its actuation by only those who possess the required operator. It would have been obvious to provide a removable cover for the removable operator of James as modified by Russell or Byrnes, in view of the teaching of Byrnes, to prevent tampering with the opening which receives the removable operator.

Claims 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Russell and Byrnes as applied to claim 25 above, and further in view of Zipf et al.

Zipf has been discussed above. It would have been obvious to utilize a key pad with the key lock of James, in view of the teaching of Zipf et al, the motivation being to optimize its security by requiring the appropriate key pad combination in addition to the appropriate key.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Russell and Byrnes as applied to claim 25 above, and further in view of Hardesty.

Hardesty teaches a solenoid 40 surrounding a solenoid arm 25, the solenoid arm 25 connected to the free end locking part which engages the notch 28 in the actuator 14, and a tamper-resistant lock control 45. It would have been obvious to utilize a solenoid and a control therefor with the key operated master lock 38 of James, the motivation being to allow the locking part to be either electrically or mechanically operated for convenience purposes, as is well known in the lock art.

Claims 1, 3, 5, 7-9, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Peghetti and Byrnes.

James teaches a storage compartment safe having a lockable door 30, including a latch assembly with vertical 119 and horizontal latches 81, the latches being located on the interior side of the door as seen in figs. 1 and 4, receiving members 21 for the latches, a latch actuator including a pinion 41, 66, plural racks 70, 71 on latch portions 71, an outside operator 36, an outside lock tamper-resistant lock control 38 for a master lock assembly 40, 42, including a first part 42 engaging a second part notch 39, the latches 81 are defined by a rod attached to a latch actuator 79, 71. The key may be regarded

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as a master lock control, and includes an activated condition defined by its insertion into the key lock 38. Peghetti teaches multiple latch assemblies on a pair of doors as seen in fig. 3. Byrnes teaches a removable operator (b3) as set forth above. It would have been obvious to utilize a second door with latches with the first door of James, in view of the teaching of Peghetti, the motivation being to control access to a larger entryway of the storage compartment. It would have been obvious to utilize a removable operator with the latch actuator of James, in view of the teaching of Byrnes, the motivation being to allow actuation of the latch actuator by only those authorized with the insertable operator.

Claims 10, 11 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Peghetti and Byrnes as applied to claims 1 and 35 above, and further in view of Zipf et al.

Zipf teaches a master lock control key pad used with a master lock actuator key 110. It would have been obvious to provide a key pad with the actuator key of James, in view of the teaching of Zipf et al, the motivation being to optimize its security by requiring the proper key pad combination in addition to the proper key to be inserted into the lock.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Peghetti and Byrnes as applied to claim 1 above, and further in view of Crosby et al.

Crosby has been discussed above. It would have been obvious to provide an adjustable connector for the latches of James, in view of the teaching of Crosby, the

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motivation being to allow the latches to extend into the receiving members to a degree of one's choice.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Peghetti and Byrnes as applied to claim 5 above, and further in view of Schlis. Schlis teaches latches 18, 22 on a first door 6 extendable into a security bracket 21, 25 on a second door 7. it would have been obvious to modify the doors of James as modified by Peghetti such that a latch of one door engages cooperates with a security bracket of the other door, in view of the teaching of Schlis, to securely latch the doors in a closed condition.

Claims 12, 13 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Peghetti and Byrnes as applied to claims 1 and 35 above, and further in view of Hardesty.

Hardesty has been discussed above. It would have been obvious to provide a solenoid and a control therefor with the master lock 38 of James, in view of the teaching of Hardesty, the motivation being to allow the locking part 42 of James to be either electrically or mechanically operated for convenience purposes, as is well known in the lock art.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Peghetti and Byrnes as applied to claim 35 above, and further in view of Rotchford.

Rotchford teaches a master lock locking part (N) engaging a reciprocating element (L) of a latch actuator. It would have been obvious to modify the system of James such

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that the locking part 42 engages a reciprocating element of the latch actuator, in view of the teaching of Rotchford, since engaging any element of the latch actuator would function just as well.

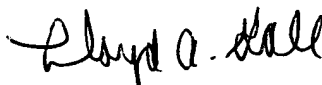
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
October 13, 2005


Lloyd A. Gall
Primary Examiner